Guide to OHS: Supervisors

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Our shared goal: health and safety

This guide introduces you to Alberta's occupational health and safety laws and your role – as a supervisor – in ensuring health and safety at the work site.

Occupational health and safety law is based on the internal responsibility system. Its main idea is that everyone in the workplace shares accountability for health and safety, according to the authority and level of control they have.

Alberta's *Occupational Health and Safety Act* (OHS Act) is an important law that affects you. Part 1 of the OHS Act sets out general duties of the regulated work site parties (employers, supervisors, workers, suppliers, service providers, owners,

contracting employers, prime contractors, and temporary staffing agencies).

While each work site party may have a different role, they all share responsibility for health and safety. The OHS Act reinforces this by placing a common duty to co-operate on each regulated work site party.

The OHS Act and OHS Code

Alberta's main occupational health and safety laws are the OHS Act and the Occupational Health and Safety Code (OHS Code). These laws set out requirements to help keep your work site healthy and safe.

The OHS Act sets general rules to protect and promote the health and safety of Alberta workers. The act also gives the government authority to make workplace safety regulations and codes, and enforce the laws.

The OHS Code specifies detailed technical standards and health and safety rules. These technical requirements cover chemical hazards, equipment safety, first aid, harassment, violence and noise, to name a few.

Do Alberta's OHS laws apply to me?

You are a supervisor if you have charge of a work site or authority over workers.

The OHS Act and OHS Code apply to all regulated work site parties, work activities, and work sites in Alberta, except:

- Where federal jurisdiction applies (for example, Canadian chartered banks, interprovincial transportation companies, television and radio broadcasters).
- Certain farming and ranching operations, if you are the owner, their family member or an unwaged person working at the farm or ranch.
- Private dwellings, if a person who lives there is doing tasks for their own business, or personal work – such as household chores or repairs – in, to or around the home.
  - » If you are working from home for an outside employer, the OHS Act and OHS Code apply.

In some cases, only the OHS Act and limited sections of the OHS Code apply. These are:

- Certain farming and ranching operations – if they employ waged, non-family workers – must comply with Part 13

of the OHS Code, less one modification. (Part 13 is the technical requirements for health and safety committees and representatives.)
- When the occupant of a private dwelling (or someone on their behalf) directly employs a worker to do normal household duties, specific code provisions apply. This is true whether the domestic worker lives in the home or not.

More information on these topics can be found in the Are students and volunteers workers?, Domestic workers, and Health and safety on Alberta farms and ranches publications on Alberta's OHS Resource Portal. *

* Go to the inside back cover to find out how to access the OHS Resource Portal publications referenced in this booklet.

Role of Alberta OHS

Alberta OHS is the part of the provincial government that administers and enforces Alberta's occupational health and safety laws. Alberta OHS has resources available to help you:

- Understand work site parties' rights and responsibilities.
- Meet your legal requirements.
- Prevent injuries, illnesses and fatalities.

If you have questions about occupational health and safety laws or workplace health and safety, call the OHS Contact Centre:

- 1-866-415-8690 anywhere in Alberta.
- 780-415-8690 in Edmonton and surrounding area.

OHS officers

Alberta OHS officers conduct inspections to monitor compliance

with occupational health and safety legislation. By law, OHS officers can:

- Enter a work site at any reasonable time.
- Require the production of any documents relating to health and safety. The officer can:
  - » Examine these, make copies or temporarily remove them to make copies.
  - » Use any of the employer's devices or systems, if needed, to examine the documents.
- Require reasonable assistance, including access to electronic information.
- Inspect, seize or take samples of materials, products or equipment.
  - » This can include requiring dismantling or testing, if needed.

- Bring along specialized equipment and technical experts.
- Do tests and take photographs, measurements or recordings.
- Require demonstrations of how equipment or machinery works.
- Interview and take statements from persons who have information related to the health and safety of workers.

OHS officers also have authority to:

- Investigate workplace injuries, illnesses or incidents.
- Require proof of identity from any person at a work site.
- Require employers to identify all workers and supervisors they employ.
- Take a range of actions to enforce compliance with occupational health and safety laws.

Section 37 of the OHS Act prohibits anyone from interfering with or hindering an OHS officer.

Read more in Role and duties of Alberta OHS officers.

WCB

Sometimes people mistake Alberta OHS for the Workers' Compensation Board – Alberta (WCB). Alberta OHS is separate from the WCB.

The WCB's role is to provide rehabilitation services and wage-loss support for workers with job-related injuries and illnesses. The WCB works with Alberta OHS, industry, and labour to help reduce the impact of workplace injuries and illnesses on Albertans. The workers' compensation system is funded by employers; the WCB oversees the Accident Fund to ensure there are sufficient funds available for the payment of present and future compensation to injured workers.

Your responsibilities

General duties

Section 4 of the OHS Act sets out the general duties of a supervisor. This section states that you must do everything reasonably practicable to ensure that you:

- Protect the health and safety of workers under your supervision.
- Prevent workers under your supervision from participating in, or being subjected to, workplace harassment and violence.
- Tell workers under your supervision about all known or possible hazards in the work area.
- Ensure workers under your supervision follow legislated occupational health and safety responsibilities.
- Report health and safety concerns to the employer.
- Cooperate with any person carrying out a duty under occupational health and safety legislation.

Other legislated responsibilities

In addition to your general duties, you have other legal health and safety responsibilities. For example, from the OHS Code:

- You and your employer must ensure workers use or wear equipment or personal protective equipment required by occupational health and safety laws (Part 1, Section 3.2).
- You and your employer must protect workers from certain types of falls – including falls from heights (Part 3, Section 139).

Note that these are only some highlighted supervisor responsibilities. There are other supervisor obligations and provisions related to supervisors in the OHS Act and OHS Code. Make sure you know any obligations that apply to or involve you, and comply with your legal responsibilities.

As a supervisor, it's important that you also understand the obligations of other work site parties, especially those of employers and workers. There are several reasons for this.

The first of these is that you have to know the legal responsibilities of the workers you supervise, to meet your general duty to ensure they follow their legal occupational health and safety responsibilities. In addition:

- Supervisors are often the link between employers and workers.
  - » Understanding everyone's roles will help you make sure communication flows well in both directions.
  - » Communication is key to cooperation, which in turn is key to an effective internal responsibility system.
- Employers may delegate some of their obligations to you.

  - » While this does not relieve the employer of their obligation, it can add more responsibility to your role.
  - » In this instance, your function is that of the employer, as you've been designated as the employer representative (a responsibility in addition to that of a supervisor).
- As well as serving the function of supervisor at a work site, you are also a worker. This means you also have the same rights and obligations as a worker.

Employer responsibilities

The general duties of employers are set out in Section 3 of the OHS Act.

The overarching duty of an employer is to ensure the health, safety and welfare of workers and other persons at the work site. However, the OHS Act and OHS Code assign many more duties to employers. These include some that relate directly to supervisors – for instance, there is a general duty requirement to ensure that you, as a supervisor, are competent and know the OHS laws that are relevant to your work site.

> Every employer shall ensure, as far as it is reasonably practicable for an employer to do so, that the employer's workers are supervised by a person who
>
>
>
> i) is competent, and
> ii) is familiar with this Act, the regulations and the OHS Code that apply to work performed at the work site.
>
> OHS Act, s. 12(2)

Learn more about employer responsibilities in Guide to OHS: Employers.

Worker rights and responsibilities

Workers need to be aware of their legislated rights and responsibilities.

Under the OHS Act, workers have three fundamental rights:

- The right to know.
- The right to participate.
- The right to refuse dangerous work.

The right to know

Workers have the right to know about workplace hazards and have access to health and safety information at the work site.

Employers must conduct hazard assessments and provide information about hazards at the work site, controls used to eliminate or control the hazards and any relevant work practices and procedures. As a supervisor, remember that your general obligations include advising the workers you supervise of any known or reasonably foreseeable hazards in their work area.

Your employer must make sure workers have the skills and training needed to do their work safely. Workers must participate in the training and apply their learning at the job. As a supervisor, you must ensure – as much as is reasonably practicable – that workers under your supervision work in a healthy and safe manner, meeting their legal health and safety requirements. This includes ensuring that the workers you supervise have their required safety training and are applying it in their work.

Read more and find hazard assessment templates in Hazard assessment and control: a handbook for Alberta employers and workers.

The right to participate

Workers have the right to meaningful participation in health and safety matters at the work site, including expressing health and safety concerns. Employers must respond to health and safety concerns raised by workers. As a supervisor, you have a responsibility to report health and safety concerns to your employer.

If your workplace has a health and safety committee or representative, they bring work site parties together to work on activities such as identifying and controlling hazards, making recommendations on worker health and safety, and reviewing work site inspection records. If your workplace doesn't have an health and safety committee or representative, your employer must still involve affected workers in violence and harassment prevention.

Employers must always involve affected workers in hazard assessment and control, emergency response planning, and developing and implementing certain safe work practices.

Your employer may request that you work with the health and safety committee or representative in relation to a health and safety

concern, or take a leadership role in required activities such as hazard assessment and control, emergency response planning or preventing violence and harassment.

For more information, read Health and safety committees and representatives and Participation in health and safety for small business owners and workers.

The right to refuse dangerous work

> In this section, "undue hazard" in relation to any occupation includes a hazard that poses a serious and immediate threat to the health and safety of a person.
>
> OHS Act, s. 17(1)

A worker has a right to refuse work if they reasonably believe that there is an undue hazard at the work site or that the work is an undue hazard to themselves or others. Section 17 of the OHS Act describes the steps that workers and employers must follow in the work refusal process. These steps may involve you. For instance,

a worker may carry out their obligation to report a work refusal to you. (The law requires them to report their work refusal promptly to their supervisor, employer or employer designate.) If a worker informs you they are refusing work, tell your employer as soon as possible so they can then fulfill their legal obligations.

Your employer may request that you get involved – for example, in remedying or inspecting the undue hazards, or with other steps in the work refusal process. In this case, you'll be acting as an employer, since you'll be their designated representative.

For more information, read Right to refuse dangerous work.

Worker responsibilities

Workers also have several responsibilities under the OHS Act and OHS Code. Their general obligations are:

- Taking reasonable care to ensure their own and others' health and safety while working.
- Cooperating with you (their supervisor), their employer, or any other person to protect workplace health and safety.
- Wearing required personal protective equipment and using required health and safety devices or equipment.
- Refraining from causing or participating in harassment or violence.
- Reporting concerns – to you or the employer – about unsafe or harmful work site acts or conditions.
- Participating in health and safety training.
- Cooperating with any person exercising a duty under the occupational health and safety legislation.
- Only performing dangerous work if they're competent to do so, or are being supervised by a competent worker.

Learn more about workers' rights and responsibilities in Guide to OHS: Workers.

Disciplinary action complaints

No person shall take disciplinary action against a worker acting in compliance with this Act, the regulations, the OHS Code or an order issued under this Act.

OHS Act, s. 18

Disciplinary action is any action or threat of action that can negatively affect a worker's employment. A few examples of disciplinary action include termination, demotion, transfer, changed work hours, reprimands, coercion or intimidation.

Workers may file a complaint with Alberta OHS if they have reasonable cause to believe they have been subjected to disciplinary action in contravention of Section 18 of the OHS Act.

The OHS Act sets out the process around disciplinary action

complaints. This includes what disciplinary action complaints OHS can accept and the maximum timeline for filing a complaint.

As a supervisor, you may be authorized to take disciplinary action against the workers whom you supervise. Be aware that you are not allowed to take such actions against a worker because they were following occupational health and safety laws (for example, suspending a worker for refusing to do work where the hazards are not properly controlled).

For more on this topic, read Disciplinary action complaints.

Incident reporting and investigation

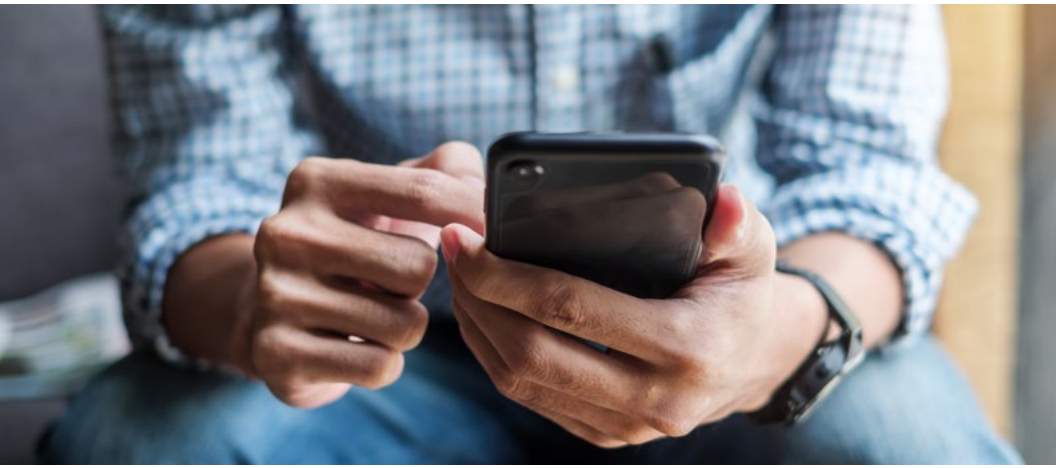
The OHS Act requires prime contractors to report and investigate certain incidents. If there is no prime contractor, the responsibility falls to your employer.

Reportable incidents are described in Section 33 of the OHS Act. These incidents are:

- Serious injuries, illnesses or incidents.
- Radiation overexposures.
- Incidents at a mine or mine site.
- Potentially serious incidents.

The prime contractor or your employer must report all of these – except potentially serious incidents – to OHS as soon as possible.

The prime contractor or your employer must investigate all reportable incidents – including potentially serious incidents – and prepare an investigation report. They must provide a copy of their investigation report to Alberta OHS and to the health and safety committee or representative. If there is no committee or representative, they must make their investigation report available to all workers.



As a supervisor, your employer may delegate some of their obligations to you. These could include incident reporting and investigation duties, or carrying out prohibitions on disturbing the scene. If so, this would be another example of you acting as the employer representative.

For more information about prime contractor and employer incident obligations, read Incident reporting and investigation.

Non-compliance

It is in everyone's best interests to provide healthy and safe work sites and proper training, and to make sure that workers follow safe and healthy practices. However, if you or other work site parties don't comply with the law, the OHS Act can be used to compel all parties to follow the rules.

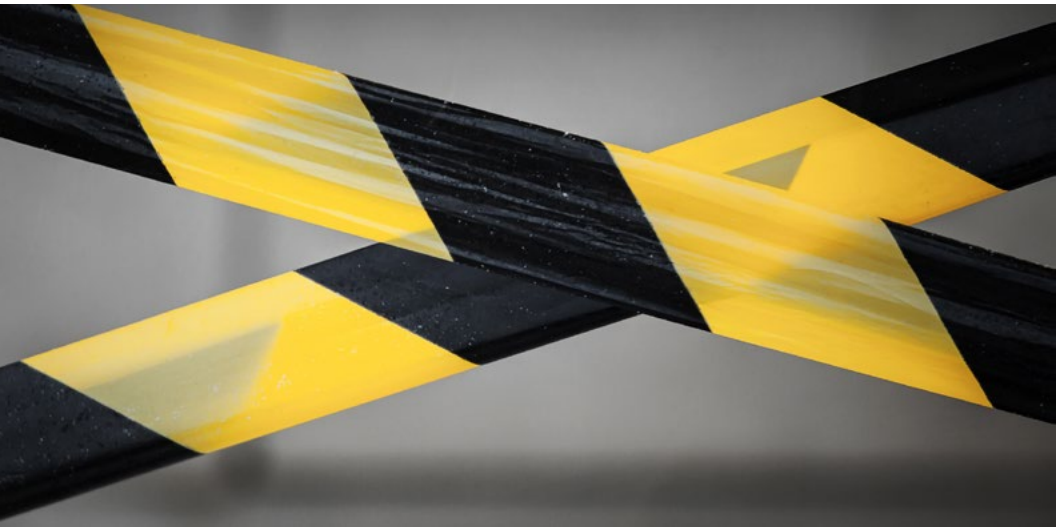
OHS orders

The OHS Act gives OHS officers authority to issue orders that require work site parties to comply with occupational health and safety laws. Types of orders include:

- Compliance orders, which mandate work site parties to meet their legislated obligations, and require measures and timelines for compliance.
- Stop use orders, which require certain work site parties to stop using personal protective equipment, other equipment, harmful substances or explosives if they are unsafe or do not comply with OHS legislation.
- Stop work orders can be used if an officer believes there is a danger to worker health and safety. They can apply to certain activities or areas of a work site, an entire work site, or to multiple work sites controlled by a single employer. An OHS officer may also require any person to leave the work site if it is dangerous for that person to remain.

Violation tickets

OHS officers have authority to issue immediate, on-the-spot tickets against employers, supervisors and workers who violate certain provisions of the OHS Code. Ticket amounts range from $100 to $500 per violation, plus a 20% victim surcharge.



There is one ticketable offence in relation to supervisor obligations. This is Section 3.2 of the OHS Code (obligation to ensure workers use or wear equipment or personal protective equipment required by occupational health and safety laws).

OHS tickets use the same form as Alberta traffic tickets. The form describes how to pay or contest the ticket, and gives a court date and location.

Administrative penalties

An administrative penalty is a monetary penalty issued by Alberta OHS. Penalty amounts are a maximum of $10,000 per day, per contravention. OHS officers can issue administrative penalties to any person who has done any of the following:

- Contravened OHS legislation.
- Not complied with an order, acceptance, allowance, approval, or inter-jurisdictional recognition.
- Made a false statement or given false or misleading information to an officer.

For more information on orders, tickets, or administrative penalties, read Role and duties of Alberta OHS officers.

Prosecutions

A work site party who breaks the rules of the OHS Act or OHS Code, or commits other offences listed in the act, can be charged. Conviction on a first offence can lead to a fine of up to $500,000, plus $30,000 each day an offence continues and/or a jail term of up to six months per violation. A second offence can result in a fine of up to $1,000,000 plus $60,000 each day an offence continues and/or a jail term of up to one year per violation. These penalties are set out in the OHS Act.

As well, charges can be laid for workplace incidents under federal criminal law, against anyone who directs another person's work, including supervisors, and whose actions or omissions "show a wanton and reckless disregard for the lives and safety of other persons." The Canada *Criminal Code* imposes serious penalties for violations that result in bodily harm (serious injury or illness) or death. In such cases, the maximum jail penalties are 10 years for each person who suffered bodily harm (serious injury or illness), and life imprisonment in relation to each person killed. Companies and individuals can also be subject to fines and other criminal sanctions under the *Criminal Code*.

For more information on occupational health and safety prosecutions, visit alberta.ca/ohs-investigations.aspx.

Appeal an OHS order or decision

The Alberta Labour Relations Board (ALRB) hears appeals of OHS orders, administrative penalties, licence cancellations or suspensions, work refusal investigations, and disciplinary action complaint decisions. You can only appeal to the ALRB if you are specifically named as the recipient of the order or decision.

The ALRB can:

- Confirm, vary, or revoke certain orders or decisions.
- Remit certain orders or decisions back to OHS.
- Reject hearing an appeal if the ALRB determines it is without merit, or is frivolous, trivial, vexatious, filed without merit, or an abuse of process.

For more information, visit alberta.ca/appeal-ohs-action.aspx.

Notes

Further reading

The resources that were referenced throughout this guide are listed below. To access them, visit Alberta's OHS Resource Portal online at

ohs-pubstore.labour.alberta.ca

and search for the resource's Publication ID:

Resource	Publication ID
Are students and volunteers workers?	**LI022**
Disciplinary action complaints	**LI061**
Domestic workers	**LI069**
Guide to OHS: Employers	**LI009**
Guide to OHS: Workers	**LI008**
Hazard assessment and control: a handbook for Alberta employers and workers	**BP018**
Health and safety committees and representatives	**LI060**
Health and safety on Alberta farms and ranches	**BP029**
Incident reporting and investigation	**LI016**
Participation in health and safety for small business owners and workers	**LI055**
Right to refuse dangerous work	**LI049**
Role and duties of Alberta OHS officers	**LI046**

You can also access the OHS Resource Portal using this QR code:

Contact us

OHS Contact Centre

1-866-415-8690 (Alberta)
780-415-8690 (Edmonton area)

Deaf or hard of hearing (TTY):

1-800-232-7215 (Alberta)
780-427-9999 (Edmonton area)

Notify OHS of health and safety concerns

alberta.ca/file-complaint-online.aspx

> Call the OHS Contact Centre if you have concerns that involve immediate danger to a person on a work site.

Report a workplace incident to OHS

alberta.ca/ohs-complaints-incidents.aspx

Website

alberta.ca/ohs

Get copies of the OHS Act, Regulation, and Code

Alberta King's Printer

alberta.ca/alberta-kings-printer.aspx

OHS

alberta.ca/ohs-act-regulation-code.aspx

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